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MEMO ENDORSED

May 28, 2008

Via Facsimile (212) 805-7949
& Regular Mail

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **Cohen v Horowitz, et. al**
Index No.: 07-5834

Dear Judge Castel:

This firm represents Defendant Elias Horowitz in the above captioned proceeding.

In light of Your Honor's May 28, 2008 endorsement (see attached), I am writing to inquire if Mr. Horowitz is still required to appear before Your Honor tomorrow, May 29, 2008 at 10:00 a.m.

Respectfully submitted,

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The May 29 hearing is vacated - SO ORDERED
[Signature]
USD
5-28-08